

UNITED STATES DISTRICT COURT-DISTRICT OF NEW HAMPSHIRE
CIVIL ACTION NO: 1:25-cv-00251 | ANDRE BISASOR v. CRAIG DONAIS, et. al

Andre Bisasor, Natalie Anderson, Plaintiffs

v.

Craig S. Donais, Mary K. Donais, Donais Law Offices, PLLC, Russell F. Hilliard, Upton Hatfield, Amy Messer,
Defendants.

**PLAINTIFFS' EMERGENCY MOTION TO CLARIFY SERVICE REQUIREMENTS FOR
DEFENDANT AMY MESSER**

I. INTRODUCTION

1. Plaintiffs respectfully move this Court for clarification regarding the proper method and timing of service upon Defendant Amy Messer, who was added as a defendant in Plaintiffs' First Amended Complaint filed on July 29, 2025. This motion seeks guidance on several critical procedural questions that affect the orderly progression of this case and the Court's consideration of pending jurisdictional issues.
2. This is an emergency because of pendency of the motion to remand.

II. BACKGROUND

3. On July 29, 2025, Plaintiffs filed their First Amended Complaint adding Defendant Amy Messer as a new party to this litigation.
4. On August 1, 2025, Plaintiffs filed a Motion to Remand, arguing that this Court lacks subject matter jurisdiction following the elimination of federal claims from the amended complaint.
5. Defendants have filed oppositions to the Motion to Remand and have indicated their intention to file motions to dismiss the First Amended Complaint.
6. Defendant Amy Messer has not yet been served with process and has not appeared in this case. All other defendants, who removed or agreed to remove the case to federal court, have been served or have waived service.
7. The plaintiffs seek clarification regarding the proper procedures for serving Defendant Messer, as a newly added defendant, and the impact of her non-service on pending jurisdictional and substantive motions.

III. ISSUES REQUIRING CLARIFICATION

8. Plaintiffs respectfully request clarification on the following matters:
 - a. What is the applicable deadline for serving Defendant Amy Messer? Given that Defendant Messer was added through the First Amended Complaint filed on July 29, 2025, clarification is needed on the service deadline.
 - b. How does the Motion to Remand affect service obligations for Defendant Amy Messer? If this case is ultimately remanded to state court, clarification is needed on whether federal service requirements apply to a defendant who may never be subject to federal court jurisdiction and on whether resources should be expended on federal service if remand is likely?

IV. PROPOSED RESOLUTION

9. Plaintiffs respectfully suggest that the most efficient resolution would be for the Court to:
 - a. Clarify the service deadline for Defendant Amy Messer, taking into account the unique procedural posture of this case and stay all substantive motions (including motions to dismiss) until after:
 - i. The Motion to Remand is decided, AND
 - ii. If remand is denied, Defendant Messer is allowed to be properly served and given an opportunity to respond;
 - b. Prioritize the jurisdictional determination by ruling on the Motion to Remand first, which would:
 - iii. Eliminate the need for federal service if the case is remanded.
 - iv. Prevent waste of judicial and party resources.
 - c. Set a reasonable timeline for service that accounts for the pending jurisdictional issues and avoids duplicative effort.
 - d. In the alternative, if the court determines that Defendant Amy Messer should be served prior to remand being decided, then provide the plaintiffs with the court-approved summons so that they may effect service on her (without which they cannot effect service).

V. RELIEF REQUESTED

10. WHEREFORE, Plaintiffs respectfully request that this Court:

- a. Clarify the applicable deadline and requirements for serving Defendant Amy Messer;
- b. Determine whether the Motion to Remand should be decided before requiring service on Defendant Messer;
- c. Stay all substantive motions pending resolution of jurisdictional issues and proper service on all defendants;
- d. In the alternative, if the court determines that Defendant Amy Messer should be served prior to remand being decided, then provide the plaintiffs with the court-approved summons so that they may effect service on her (without which they cannot effect service);
- e. Grant such other relief as the Court deems just and proper.

Respectfully submitted,
/s/ Andre Bisasor
Andre Bisasor

/s/ Natalie Anderson
Natalie Anderson

Date: August 26, 2025

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon all counsel of record through the Court's ECF system.

/s/ Andre Bisasor
Andre Bisasor